

REMARKS

In the Office Action¹, the Examiner rejected claims 50-100 under 35 U.S.C. § 112, second paragraph as being indefinite and rejected claims 50-100 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2006/0031014 to Sato et al. ("Sato").

By this amendment, Applicants have amended the specification and amended claims 50, 51, 55, 61, 65-67, 79, 80, 83, 84, 87 and 100. Applicants have also added new claim 101-104 to protect additional aspects of the invention. No prohibited new matter has been added. Upon entry of these amendments, claims 50-104 will remain pending in this application.

I. Regarding the 35 U.S.C § 112, second paragraph rejection

The Examiner rejected claims 50-100 under 35 U.S.C. § 112, second paragraph as being indefinite. Among other things, the Examiner asserts that the claims "[fail] to particularly point out and distinctly claim the subject matter" and that the claims are "directed towards reliability information, which is not clear and indefinite." Office Action, page 2. Applicants respectfully traverse the rejection of claims 50-100 under 35 U.S.C. § 112, second paragraph.

The M.P.E.P. sets forth that the "[d]efiniteness of claim language must be analyzed, not in a vacuum, but in light of: (A) [t]he content of the particular application disclosure; (B) [t]he teachings of the prior art; and (C) [t]he claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement of characterization in the Office Action.

time the invention was made.” See M.P.E.P. § 2173.02, p. 2100-213. A full examination of the contents of the disclosure, including, for example, Applicants’ Figure 2 and paragraphs [0057], [0058], and [0080]-[0089] of the specification describes exemplary uses of reliability information. In view of the disclosure, the Applicants submit that the claims meet the definiteness requirements of 35 U.S.C. § 112, 2nd paragraph and ask the Examiner to withdraw the rejection under 35 U.S.C. § 112, second paragraph.

II. Regarding the 35 U.S.C § 102(e) rejection

Applicants respectfully traverse the rejection of claims 50-100 under 35 U.S.C. § 102(e) as being anticipated by Sato. Sato does not qualify as prior art under 35 U.S.C. § 102(e) because the Applicants’ PCT filing date of July 1, 2004 (PCT/JP04/09324) predates Sato’s U.S. filing date of June 10, 2005. See M.P.E.P. § 706.02(a)(II)(B). Therefore, Sato is not available as a prior art reference, and the 35 U.S.C. § 102(e) rejection should be withdrawn. A copy of the English translation of PCT/JP04/09324 and a certificate of translation accuracy was previously submitted on January 3, 2006. This document perfects Applicants’ claim of priority to PCT/JP04/09324. See M.P.E.P. § 706.02(b) (see section (E) under portion applicable to 35 U.S.C. § 102(e)).

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

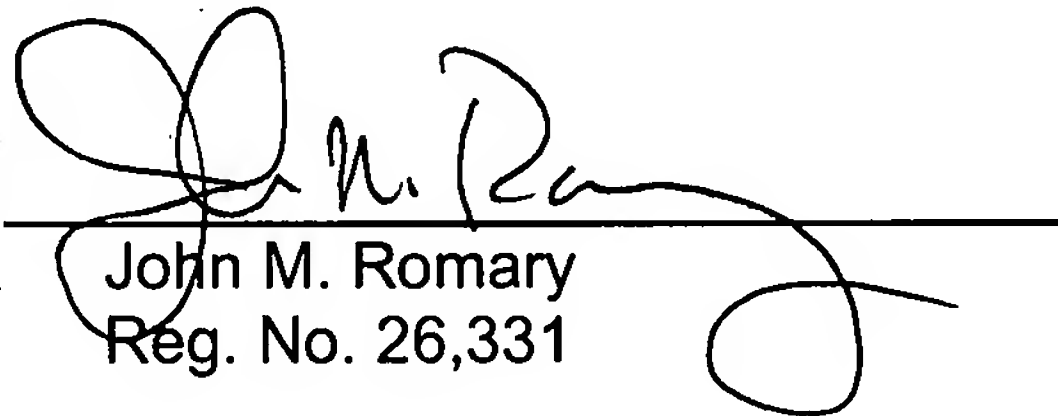
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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